

# United States District Court

## District of Maryland

UNITED STATES OF AMERICA

v.

ERIC WAYNE SPENCE

**JUDGMENT IN A CRIMINAL CASE**

(For Revocation with Supervised Release)

(For Offenses Committed On or After November 1, 1987)

Case Number: CCB-97-0317

USM Number: UNKNOWN

Defendant's Attorney: KATHERINE NEWBERGER,  
AFPD

Assistant U.S. Attorney: BONNIE S. GREENBERG

**THE DEFENDANT:**

- ☒ admitted guilty to violation of additional and statutory conditions of the term of supervision.  
☐ was found in violation of condition(s) \_\_\_\_\_ after denial of guilt.

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Date Violation Occurred</u>
Additional Condition	Satisfactory participation in a treatment program approved by the Probation Officer (Failure to attend the Mountain Manor West drug program)	May 6, 2008
Statutory Condition	Defendant shall refrain from any unlawful use of a controlled substance (Positive specimen for cocaine)	May 6, 2008
Standard Condition #2	Defendant shall submit written monthly reports (Failure to report to the Probation Office for a supervisory conference to discuss his substance abuse treatment)	July 9, 2008

The defendant is adjudged guilty of the violations listed above and sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984 as modified by U.S. v. Booker, 125 S. Ct. 738 (2005).

- ☒ Supervised release is revoked.  
☐ The defendant has not violated condition(s) \_\_\_\_\_ and is discharged as to such violation(s) condition.

**IT IS FURTHER ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

JULY 29, 2008  
 Date of Imposition of Judgment

*Catherine C. Blake*  
**CATHERINE C. BLAKE**  
**UNITED STATES DISTRICT JUDGE**

Date

Name of Court Reporter: MARY ZAJAC

**DEFENDANT: ERIC WAYNE SPENCE****CASE NUMBER: CCB-97-0317****IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of time served.

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender, at his/her own expense, to the institution designated by the Bureau of Prisons at the date and time specified in a written notice to be sent to the defendant by the United States Marshal. If the defendant does not receive such a written notice, defendant shall surrender to the United States Marshal:

☐ before 2 p.m. on \_\_\_\_\_.

A defendant who fails to report either to the designated institution or to the United States Marshal as directed shall be subject to the penalties of Title 18 U.S.C. §3146. If convicted of an offense while on release, the defendant shall be subject to the penalties set forth in 18 U.S.C. §3147. For violation of a condition of release, the defendant shall be subject to the sanctions set forth in Title 18 U.S.C. §3148. Any bond or property posted may be forfeited and judgment entered against the defendant and the surety in the full amount of the bond.

**RETURN**

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By: \_\_\_\_\_

\_\_\_\_\_  
DEPUTY U.S. MARSHAL

**DEFENDANT: ERIC WAYNE SPENCE****CASE NUMBER: CCB-97-0317****SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 1 year.

**The defendant shall comply with all of the following conditions:**

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

**A. STATUTORY CONDITIONS OF SUPERVISED RELEASE**

- 1) The defendant shall not commit any federal, state or local crime.
- 2) In any felony case, the defendant shall not possess a firearm or ammunition as defined in 18 U.S.C. §921.
- 3) The defendant shall not illegally use or possess a controlled substance.
- 4) The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.  
☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- 5) Pursuant to Pub. Law 108-405, Revised DNA Collection Requirements under the Justice for All Act of 2004, if applicable, the defendant shall cooperate in the collection of DNA while incarcerated in the Bureau of Prisons, or as directed by the probation officer.
- 6) If this judgment imposes any criminal monetary penalty, including special assessment, fine, or restitution, it shall be a condition of supervised release that the defendant pay any such monetary penalty that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment. The defendant shall notify the court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution, fines, or special assessments.

**B. STANDARD CONDITIONS OF SUPERVISION**

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) The defendant shall support his or her dependents and meet other family responsibilities;
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) The defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) The defendant shall refrain from excessive use of alcohol;
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any persons convicted of a felony unless granted permission to do so by the probation officer;
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
- 12) The defendant shall notify the probation officer within 72 hours of being charged with any offense, including a traffic offense;
- 13) The defendant shall not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the court;
- 14) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

**DEFENDANT: ERIC WAYNE SPENCE****CASE NUMBER: CCB-97-0317****C. SUPERVISED RELEASE  
ADDITIONAL CONDITIONS**

The defendant shall be placed on home detention for a period of 6 months and abide by all the requirements of the program which will include electronic monitoring or other location verification system. During this time the defendant shall be restricted to his place of residence except for activities approved in advance by the probation officer including participation in any drug treatment program and employment. The defendant shall maintain a telephone at his place of residence without any "call forwarding", "Caller I.D.", "call waiting", modems, answering machines, cordless telephones, or other special services for the above period. The defendant is to pay the costs of the electronic monitoring portion of this sentence not to exceed the daily contractual rate. Payment for the electronic monitoring shall be on a schedule as directed by the probation officer.

The defendant shall satisfactorily participate in a treatment program approved by the probation officer relating to substance and/or alcohol abuse, which may include evaluation, counseling, and testing as deemed necessary by the probation officer, including intensive outpatient drug treatment as directed by the probation officer.

The defendant shall satisfactorily participate in a mental health treatment program approved by the probation officer, which may include evaluation, counseling, and testing as deemed necessary by the probation officer.